

Notice of Allowability

Application No.

10/762, 458

Applicant(s)

Thomson Steen

Examiner

Wendy C Haas

Art Unit

1661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included
reewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS
NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative
the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to papers filed 1/23/2004

☒ The allowed claim(s) is/are The claim

☒ The drawings filed on 1/23/2004 are accepted by the Examiner.

☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☒ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the
International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements
noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF
INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of
each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the
attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

☒ Notice of References Cited (PTO-892)

☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Nina Osseiran on June 23, 2004.

The application has been amended as follows:

- A. Page 1, line 3, the phrase "*Euphorbia milii* Desmoul." has been deleted and is replaced with -- *Euphorbia lophogona* X *E. milii* --.
- B. Page 1, line 5, "Atlas" has been changed to -- 'Atlas' --.
- C. Page 1, line 8, the words "*mili*" and "*mili* Desmoul." have been deleted. "*mili* Desmoul." has been replaced with -- *Euphorbia lophogona* X *E. milii* --.
- D. Page 1, line 10, "*mili*" has been deleted.
- E. Page 1, line 12, "polycross" has been changed to -- cross --.
- F. Page 1, line 13, the words "*mili* Desmoul." have been deleted.
- G. Page 1, line 15, the word "*mili*" has been deleted.
- H. Page 1, line 15, the phrase -- as a single plant—has been added before the word "from".
- I. Page 1, line 17, the word "*mili*" has been deleted.
- J. Page 1, line 17, the word "more" has been deleted.
- K. Page 1, line 21, the word "*mili*" has been deleted.

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- L. Page 2, line 16, the phrase – (unpatented) – has been inserted after “Themis”.
- M. Page 2, line 20, the word “*mili*” has been deleted.
- N. Page 2, line 22, the word “*mili*” has been deleted.
- O. Page 2, line 22, the words – than ‘Themis’ – have been inserted after “leaves”.
- P. Page 2, line 23, the word “*mili*” has been deleted.
- Q. Page 3, line 1, the word “*mili*” has been deleted.
- R. Page 3, line 3, the word “*mili*” has been deleted.
- S. Page 3, line 11, the word “*mili*” has been deleted.
- T. Page 4, line 1, the phrase “*Euphorbia mili* Desmoul.” has been deleted and is replaced with – *Euphorbia lophogona* X *E. mili* --.
- U. Page 4, line 5, the word “*mili*” has been deleted and is replaced with “*lophogona*”.
- V. Page 4, line 14, the words “*Euphorbia mili*” have been deleted.
- W. Page 4, line 15, the word “flowers” has been capitalized as –Flowers--.
- X. Page 5, line 2, the words “craspedromous venation” have been deleted.
- Y. Page 5, line 4, “decussatee” has been changed to read – decussate--.
- Z. Page 5, line 21, the phrase “4x5” has been changed to read – 4-5--.
- AA. Page 6, line 1, the phrase “10x14” has been changed to read –, approximately 10 mm in length by 14 mm in width,--.
- BB. Page 6, line 10, the word “*mili*” has been deleted.
- CC. Page 6, line 13, the word “*mili*” has been deleted.
- DD. Page 6, line 14, the word “Thivaliopsis” has been changed to read –*Thivaliopsis*--.

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EE. Page 6, line 16, the word "Franklinellea" has been changed to read –

Franklinellea--.

FF. In the claim, the word "*mili*" has been deleted.

FUTURE CORRESPONDENCE

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wendy C Haas whose telephone number is (571) 272-0976. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on (571) 272-0974. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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